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SIPDIS

SENSITIVE

DEPT FOR AF/E, AF/EPS, AND DRL/IL  
DEPT FOR G/TIP YOUSEY AND LEMAR  
DEPT ALSO PASS TO USTR FOR LEWIS KARESH  
DEPT ALSO PASS TO DEPT OF LABOR FOR SUDHA HALEY, PATRICK WHITE AND  
MAUREEN PETTIS

SIPDIS

E.O. 12958: N/A

TAGS: [ELAB](#) [GTIP](#) [KCRM](#) [PHUM](#) [PGOV](#) [KE](#)

SUBJECT: Pace of Anti-Trafficking Activities Quickens in Kenya

SENSITIVE BUT UNCLASSIFIED.

11. (U) Summary: The pace of anti-trafficking activities in Kenya quickened in the last week of September, with the first Africa-Wide Conference on Child Sexual Abuse, the regular meeting of the National anti-TIP Steering Committee, a briefing for 15 new Kenyan Ambassadors on TIP and victim assistance, and a two-day stakeholders workshop to redraft the anti-TIP bill. Kenyan agencies are taking an active role, and cooperating with NGOs, donors and international organizations on prevention and protection. These initiatives, plus upcoming G/TIP funding for police training, should lead to improved prosecution. The Government's plan to increase the export of Kenyan workers highlights the urgency of developing an effective anti-trafficking regime. End Summary.

First Int'l Conference in Africa on Child Sexual Abuse

12. (U) The African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN), the Government of Kenya (GOK) and other partners hosted the September 24-26 Conference, which attracted a large audience of NGOs, government officials, professionals and media. They discussed many aspects of child sexual abuse, including policies for prevention, prosecution, and treatment, many of which have a bearing on TIP in Kenya. ANPPCAN said the proceedings will be posted on a website for public viewing. Labor attache and Pol FSN attended the opening plenary session of the conference and some workshops.

13. (U) ANPPCAN's Africa Headquarters representative stated the Conference marked wide recognition of the need to break the silence on the long-standing problem of child sexual abuse in Africa. He noted that children were more vulnerable, especially due to the numerous conflicts and the effects of HIV Aids, and subjected to sex tourism perpetrated by both men and women. Although African tradition and culture used to protect women and children, their lack of voice or role has left them vulnerable to a rising trend of exploitation. He called for giving children a greater role in discussing the issues and developing innovative solutions. The Junior President of Kenya's Child Parliament called for empowering Kenya's youth by providing more information on abuse and abusers, and on children's rights under international agreements and Kenya's Children's and Sexual Offences Acts.

14. (U) Lady Justice Aluoch, head of the Family Division of Kenya's High Court and of the Task Force to Implement the Sexual Offences Act, reviewed the initiatives at the UN and AU to protect children's rights, and said the States' efforts have not been sufficiently detailed. Until recently, child sex abuse was never discussed in Kenya, and offences were dealt with privately through paid

compensation. However, the Sexual Offenses Act would allow only the Attorney General to allow a filed case to be withdrawn, which she claimed would protect children from collusion between the offender, the children's' parents, and community elders. Justice Aluoch noted that 16% of girls and 15% of boys were now reporting crimes committed by those supposed to protect them. She stated that children would soon be able to call emergency line 116 toll-free to speak to counselors for advice and help.

15. (U) Nigerian Dr. Ademola Ajuwon of Plan International cited a Canadian study estimating that child sexual abuse cost developing countries \$94 billion directly or in lost future earnings. She called on African countries to register all children at birth to document their actual age and enable enforcement of protection laws. She decried the use of traditional African culture to cover up child abuse. Child betrothal had degenerated into early marriage, and fostering into child domestic servitude. She called for research into the minds of child abusers to determine their motivations and guide development of policies on prevention, protection, prosecution, and treatment.

16. (U) Kenya Ministry of Home Affairs Permanent Secretary Nancy Kirui estimated that only 20% of child abuse cases are reported to authorities. The conspiracy of silence within a community, lack of law enforcement, poor transportation and communications infrastructure, and inadequate child services institutions were the main challenges. Kirui noted that government agencies, NGOs, and international organizations were working together in her National Steering Committee to develop a National Plan of Action against TIP. She claimed 14 police stations in Kenya now had Child Protection Units.

17. (U) Vice President Awori opened his keynote address by stating that although the session had run late, he had stayed and missed a meeting with GOK officials because he felt that protecting children from abuse by their families and communities was more important. He noted the changing environment and pressures on Kenyan families caused by unemployment, poverty, HIV/AIDS, and drug abuse have led to moral decay and a frayed social fabric. He called for a change in attitude and behavior, noting the traditional approach by which community elders resolved incidents of incest, rape and child sexual abuse was no longer legal and should be rejected. Children in need were vulnerable to promises by predators, both strangers and members of their family and community. He noted that commercial sexual exploitation of children was not restricted to the Coastal area, but was also rampant in border crossing points, urban and rural areas.

18. (U) VP Awori called for an end to denial of the problem, and for stakeholders to install response systems that would treat children as victims needing protection and assistance, not criminals, and punish the perpetrators instead. He denounced defense lawyers who protected victim's parents and abusers from justice. Awori noted Kenya's ratification of child protection Conventions, their domestication through the Children's Act and Sexual Offences Act, the need for a law against trafficking, and effective enforcement of all of them. He praised GOK efforts to control child sex tourism and assist orphans and vulnerable children (OVC), and assured the audience that President Kibaki cares deeply about this issue.

19. (U) The Conference subsequently broke into workshops that discussed issues including: existing knowledge on child sexual abuse; international experiences, policy and legislation; role of media; trafficking and sexual violence; and, partnerships and community participation. Participants shared experiences and gains made and showed interest when the Nigerians offered to share their Anti-Trafficking Law with the participants.

110. (U) On September 5, Vice President Awori also spoke at the launch of a Sh119.2 million (\$1.8 million) partnership between Barclays Bank and UNICEF to assist more than 4,000 street children in the next three years by establishing drop-in centers Mombasa, Nairobi, Kisumu and Eldoret. Awori noted that half of Kenya's population is under 18 years old, 1.8 million of these are orphans, and that an estimated 8.6 million children live in poverty. Awori said the Government was formulating a national policy for OVCs which would expand the Cash Transfer Program currently operating together with UNICEF in 37 Districts.

## National Steering Committee Meeting; Not Much to Discuss

¶11. (SBU) The September 25 meeting of the Committee did not accomplish much because many members were at the Child Abuse Conference. PS Kirui noted that people would soon be able to call the 116 emergency number to report cases of trafficking. Concerning the rescue center project in Mombasa, SOLWODI reported that a Committee had been formed to run the Center, and a lawyer was drafting an agreement by which the Archdiocese would lease the building to the Trustees. SOLWODI hoped that renovations could begin by the end of October. Post is checking whether a CJTF HOA civil affairs team can help in renovating the center. IOM reported it had provided two days of training for the Task Force appointed to draft the National Plan of Action, and held three drafting sessions. The Task Force planned to meet again on October 16 to complete the draft Plan for presentation to the Committee on October 23.

## TIP Briefing for New Ambassadors at FSI

¶12. (U) Hearing of our interest in providing training on trafficking to Kenyan diplomats, Ministry of Foreign Affairs (MFA) Foreign Service Institute (FSI) Director Ambassador Cheluget invited Labor Attache to organize a briefing for 15 new Ambassadors currently in training. IOM defined trafficking for the Ambassadors, describing the international Conventions, and addressing the most common questions, such as the difference between smuggling migrants and trafficking. LabAtt followed with practical advice about the importance of training Embassy staff on trafficking and how to assist Kenyan trafficking victims. He distributed examples of the kind of host country information/knowledge their staffs needed, and where they could get it. Ambassador Cheluget and his FSI staff seemed pleased with the briefing and will provide future opportunities to train the new class of diplomats and the mid-grade officers. The plan is to organize a comprehensive briefing from IOM, the Ministries of Immigration, Labor, Home Affairs, and the U.S. Embassy on TIP, the GOK's efforts to address it domestically and overseas, and how to prepare to assist Kenyan trafficking victims.

## Improving the Anti-TIP Bill

¶13. (SBU) Chaired by NGOs that helped draft the original anti-TIP bill, and funded through the Kenya Law Reform Commission's GJLOS program, stakeholders met September 27-28 in a workshop to review the input from the Attorney General (AG) and UNODC and revise the bill for resubmission to the AG. Stakeholders were disappointed that the AG, after claiming since May that his office was revising the bill, had offered only general advice on reorganizing the articles and clauses. The only useful advice from the UNODC expert from Vienna was to clarify the definition of trafficking.

¶14. (SBU) Labor attache and Pol FSN played an active role in the workshop. Together with IOM, they persuaded the group to incorporate and modify the definition of trafficking in the Palermo Protocol to Suppress and Punish Trafficking in Persons. No one could explain why the NGOs that drafted the original bill, including the American Bar Association, used an incomplete and defective definition of trafficking that would have made prosecution very difficult. There were lively discussions of all other provisions, including penalties for traffickers and protections for victims. The group agreed to keep the Ministry of Home Affairs as the lead agency in addressing TIP, but assigned certain specific duties to the Ministry of Immigration. The group did not determine the necessity of including clauses describing the provisions in existing laws that would be overtaken by the new bill. For the next step, a smaller group of NGO reps will incorporate all the agreed suggestions into a clean draft for stakeholder review. The goal is to submit a good draft to the AG by early January, after the election, for submission to the new Cabinet, and then the new Parliament.

## GOK Labor Export Plan...

¶15. (U) The urgency of Kenya addressing TIP effectively is increased by GOK plans to export Kenyan workers as a means of reducing unemployment, transferring technology, and increasing foreign

remittances to Kenya. The Ministry of Labor reported that Kenya is experiencing jobless economic growth because it is focused on capital intensive sectors. Nine million youths make up 60% of the work force, and unemployment remains high among them. Press reports claim the Ministry of Youth is working on a project to send tens of thousands of workers the Kenyan economy cannot absorb into foreign countries as guest workers. The Ministry hoped to increase remittances from Sh90 billion (\$1.3 billion) to Sh600 billion (\$9 billion) in two years.

¶16. (U) The article quotes Labor Export Director Patrick Kasyule as stating the Youth Ministry planned to export at least 60,000 casual workers and at least 100,000 skilled workers every year. Kenya is already exporting teachers to South Sudan and Seychelles, and nurses to Namibia. Chairperson of the Kenya Association of Private Employment Agencies Margaret Mugwaja was quoted as claiming Kenya is becoming a preferred labor source for foreign companies because Kenyans are hard-working, well trained and speak English.

Appears Vulnerable to TIP

¶17. (U) The Youth and Labor Ministries propose to collect the names and CVs of thousands of Kenyan youth and forward them to 25 employment agencies or labor recruiters the Ministries have or will register and accredit for placement overseas. The Labor Ministry is working with IOM and the ILO to model the project on similar initiatives in Philippines, Sri Lanka and Pakistan. To protect Kenyan migrants, Embassy officials are supposed to act as labor attaches. However, the Ministries admit Kenya has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers.

Comment

¶18. (SBU) The GOK has acknowledged Kenya's trafficking problems, and Post sees rising participation of GOK officials in many anti-TIP activities. GOK agencies are working with NGOs, international organizations and donors to develop an anti-trafficking regime that will implement the Palermo Protocol and protect Kenyans and foreigners from trafficking inside and outside Kenya. The Anti-Trafficking Bill should be ready in early 2008, and we hope Kenya Law Reform Commission Vice-Chair Nancy Baraza will help push the bill through the Attorney General's Office, the Ministry of Home Affairs, and the Cabinet. Some people have argued that development of the Action Plan should wait until after the bill is passed, but we agree with activists that the problem is growing too fast to wait on Kenya's dilatory Parliament. G-TIP's two \$60,000 police training projects should increase the justice system's understanding of and capacity to implement an anti-TIP law and Action Plan through increased prosecutions. Although the reported early starting date and high goals of the Youth Ministry's reported plan to export young workers are exaggerated and probably not attainable, the proposal demonstrates the need for the Ministry of Foreign Affairs to train its staff on trafficking.

RANNEBERGER